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C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 005130

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SUBJECT: SENATOR FEINGOLD & FOREIGN MINISTER TUJU DISCUSS  
SOMALIA

Classified By: PolCouns Andre for reasons 1.4 B & D.

¶1. (C) Summary: Kenya supports a UNSC resolution adjusting the Somalia arms embargo to permit an IGAD peace support mission. Tuju considers passage of such a resolution to be "a strong signal that the international community will not accept an extremist state in the region and that the CIC must accept the legitimacy of the TFG." End Summary.

¶2. (U) Senator Russell Feingold met with Foreign Minister Rafael Tuju and Trade Minister Mukhisa Kituyi on 28 November. Ambassador Ranneberger, Senate Staffer Evan Gottesman, Senate Staffer Grey Frandsen and PolCouns (notetaker) also attended the meeting. Tuju opened the meeting by speaking of the excellent partnership that exists between the American and Kenyan governments, citing the USG's "highly successful" PEPFAR program and our close coordination on Somalia as examples of this partnership. Tuju and Kituyi also discussed Kenyan issues, Darfur and Iraq with Senator Feingold. We will report those discussions septel.

¶3. (C) Tuju noted that Kenya's population includes about 1.5 to 2 million ethnic Somalis, settled in North East province, portions of Eastern province and a densely populated area of Nairobi. (Comment: Our best estimate puts ethnic Somali Kenyans at about 1.2 million. End Comment.) Tuju clearly implied that this reality influences the GoK's thinking and room to maneuver on Somalia. Referring to the leadership of Somalia's Council of Islamic Courts (CIC), Tuju vented his frustrations in attempting dialog with extremists who have an attitude of "you are either for us or against us." Tuju spoke in favor of a "partial lifting of the UN arms embargo" on Somalia for the purpose of an IGAD deployment. If international rules do not allow for legitimate intervention, then we will have illegitimate intervention if essential national interests are threatened by the CIC. International rule of law is best supported by a partial lifting of the arms embargo to permit an intervention sanctioned by regional institutions. The African Union (AU) authorized IGAD (Intergovernmental Authority on Development) to solve the problem of Somalia. Recognizing that IGAD has a capacity problem, the AU has now authorized IGAD to augment the force with peacekeepers from outside IGAD.

¶4. (C) Senator Feingold queried Tuju about the GoK's reaction to a CIC move on Baidoa, the seat of Somalia's Transitional Federal Government (TFG). Tuju responded, "If we are threatened, then we will react in some way, even if the international community does not like it. If the situation gets out of hand, then no one can blame Ethiopia or Kenya for defending themselves." (Comment: We believe that the Kenyan armed forces are very unlikely to come to the defense of Baidoa. However, any military moves by the CIC against Kenyan territory would be countered by force, as

happened in the 1960s 'Shifta War.' GoK leaders are well aware of CIC leader Hassan Aweys' long-standing goal to unite all Somali-populated regions of East Africa into a single polity. End Comment.)

15. (C) Senator Feingold asked Tuju if a partial lifting of the arms embargo by the U.N. Security Council was the "only way to prevent regional war." Tuju replied "No, not the only way, but it would be a strong signal that the international community will not accept an extremist state in the region, and that the CIC must accept the legitimacy of the TFG." Tuju derided the European Union as "favoring appeasement." He added dismissively "they think they can turn the CIC into good guys."

16. (C) As concerns the recent UN Panel of Experts report on the arms embargo, Tuju proudly pointed out that Kenya stands alone in the region as the only country NOT violating the arms embargo. When Senator Feingold asked if Kenya seeks to discourage others from violating the arms embargo, Tuju replied, "No, we haven't tried because we do not believe they would listen." (Comment: While Kenya is clearly the economic colossus of its region, it typically does not seek to influence other governments on issues other than those that most directly pertain to Kenya's economic and trade interests.

17. (C) COMMENT: Senator Feingold received conflicting messages on Kenya's position with regard to an IGASOM deployment. Tuju has consistently pushed for immediate and tangible support for the TFG, and he has aligned himself closely with USG support for an IGASOM deployment. However, day-to-day implementation of Kenyan policy falls to Mohamed Affey, an ethnic Somali and former MP who is Kenya's Ambassador to Somalia. Affey has demonstrated a notable

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willingness to accommodate the CIC well beyond the policy enunciated by his boss. In a separate meeting with Senator Feingold (reported septel), Affey said an IGASOM deployment should be a last resort, "only when there is nothing else to check on the list of all we can do." Affey has also been much less forward leaning on the use of Kenyan forces. He told the Senator that short of an attack on Kenya by the courts he did not foresee any situation in which Kenyan troops would be deployed against the CIC. END COMMENT.  
RANNEBERGER